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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,647	03/05/2002	Aedan Diarmuid Cailean Coffey	ERLG.P-032	9151
21121	7590	06/13/2005	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			STOYNOV, STEFAN	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/091,647	<b>Applicant(s)</b> COFFEY, AEDAN DIARMUID CAILEAN	
	<b>Examiner</b> Stefan Stoynov	<b>Art Unit</b> 2116	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 5 and 6 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Handwritten signature*

*Handwritten initials*

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***Response to Amendment***

***Response to Arguments***

Applicant's arguments with respect to claims 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose et al., U.S. Patent No. 5,136,715.

Re claim 5, Hirose discloses a processor resetting apparatus comprising:  
interface arranged to receive a frame containing an indicator of a reset command (column 6, lines 1-6, lines 45-47, FIG. 5, lines 52-54, FIG. 6, column 7, lines 9-11, lines 27-30, lines 34-39, FIG. 7) for a server including a processor

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associated with said resetting apparatus (column 5, lines 34-37, lines 42-44, FIG. 5, 40 ).

Hirose does not specifically state a server. However, Hirose discloses a data processing circuit including a processor (executing processing functions – column 5, lines 48-50), main storage (where programs are loaded from the auxiliary storage and further executed by the processor – column 5, lines 55-58), and auxiliary storage (to store programs used in operations of the processor – column 5, lines 53 and 54) interconnected by a bus (column 5, lines 51 and 52). It is well known in the art that the above-mentioned components/units, interconnections, and functionality (all or in combination) are functional units in a server, thus Hirose discloses a server.

a reset controller (column 6, lines 48-50, FIG. 3, 5, FIG. 5, 51, 53), external to and distinct from the processor (FIG. 5, 41), responsive to said reset command, to issue a hardware reset interrupt command for resetting the said processor (column 4, lines 24-26, column 5, lines 5-11, column 6, lines 1-6, column 7, lines 27-30, lines 34-39, lines 43-48, FIG. 7, FIG. 8).

Hirose does not specifically state reset interrupt command. However, Hirose discloses applying the hardware reset signal generated by the reset register under the control of the communication control processor (both forming the resetting unit – column 6, lines 48-50) to a reset terminal of the main processor (column 7, lines 45-48). It is well known in the art that reset interrupt commands are applied to a reset terminal of a processor, thus Hirose discloses hardware reset interrupt command.

Hirose further discloses that data frames are transferred and received by the receiving unit from another station through the transmission line (column 4, lines 4 and 5). In addition, Hirose discloses the reset execution from a remote master station using the transmission line (column 4, lines 33-35, FIG. 3, 1, column 7, lines 23-26, FIG. 5, 60). Thus, Hirose discloses the resetting apparatus interfacing with the transmission line, but does not specify what type of interface is used. The examiner takes Official Notice that a fibre channel arbitration loop (FC-AL) interface is well known interface used in communications between servers (nodes). Accordingly, it would have been obvious to one of the ordinary skill in the art at the time of invention to use the FC-AL interface for the resetting apparatus disclosed by Hirose.

Re claim 6, Hirose discloses all limitation as per claim 5. In addition Hirose further discloses a system comprising first and second servers coupled communicatively over a fibre channel arbitration loop (FC-AL) (column 3, lines 64-66, FIG. 3).

Hirose does not specifically state first and second server. However, Hirose discloses coupling a master station and terminal apparatus (column 3, lines 64-66). The terminal apparatus including a data processing unit responsible for control and manipulation of data (column 3, lines 67-68, column 4, lines 1-3) and the master station requesting remote reset or data renewal for the data processing unit (column 4, lines 12-17, lines 24-26, lines 33-35, column 5, lines 18-20, FIG. 3, FIG. 4). It is well known in the art that the above-mentioned method represents communications between a master and a slave server, and

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thus Hirose discloses a system comprising first and second servers coupled communicatively over a fibre channel arbitration loop (FC-AL).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Stoykov whose telephone number is (571) 272-4236. The examiner can normally be reached between 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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REHANA PERVEEN  
PRIMARY EXAMINER